The Detailed Demands for Grants of the Ministry of Coal for the year 1996-97.

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH): I beg to lay on the Table a copy of the Detailed Demands for grants (Hindi and English versions) of the Ministry of Coal for the year 1996-97.

[Placed in Library See No. LT 194/96]

The Detailed Demands for Grants of the Ministry of Parliamentary Affairs for the year 1996-97.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN) : I beg to lay on the Table:-

A copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of Parliamentary Affairs for the year 1996-97.

[Placed in Library See No. LT 195/96]

12.03 hrs.

BUSINESS OF THE HOUSE

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, with your permission I rise to announce that Government Business during the week commencing Tuesday, the 30th July, 1996 will consist of:-

1. Consideration of any item of Government Business carried over from today's Order Paper

2. Further General Discussion on the Railway Budget for 1996-97.

3. Discussion and Voting on the Demands for Grants (Railways) for 1996-97

4. Further Discussion on the Statutory Resolutions seeking disapproval of the following Ordinances and further consideration and passing of the Bills replacing these Ordinances:-

   (a) The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1996

   (b) The Building and Other Construction Workers' Welfare Cess Ordinance, 1996

5. Discussion on the Statutory Resolution seeking disapproval of the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1996 and consideration and passing of the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1996.

6. Discussion on the Statutory Resolution seeking disapproval of the Employees Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 and consideration and passing of the Employees Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1993 as passed by Rajya Sabha...*(Interruptions)*

[Translation]

SHRI BANWARI LAL PUROHIT (Nagpur) : Mr. Deputy Speaker, Sir, yesterday I had given a notice of breach of privilege. It is a very serious matter.

[English]

MR. DEPUTY-SPEAKER : I am looking into it. I have asked for the papers. But let this item be over.

SHRI P.R. DASMUNSI (Howrah) : Before that, Sir, I have raised a point of order. My point of order is under rule 23 of the Rules of Procedure read with Article 86 of the Constitution of India. It may kindly be gone through. This is most important.

Rule 23 of the Rules of Procedure suggests that the message and direction of the President of India will have to be carried out in the House as the Speaker is directed or as the message is conveyed to him and Article 86 of the Constitution says that the President has a right to convey a message and issue directions to the House. Now, the direction was that Shri H.D. Deve Gowda should solicit the mandate of the House within a certain date and Shri H.D. Deve Gowda, after having been sworn in as the Prime Minister sought the mandate of this very House. We also gave our mandate to him in the House, as per the direction of the President. After having been given that mandate he started functioning as Prime Minister. He has taken oath under Article 75 of the Constitution. Now, the Constitutional Bench of the Allahabad High Court on a writ petition filed by somebody...*(Interruptions)* It is a contempt of the House. It is an insult to the House. It is an insult to the supremacy of the House...*(Interruptions)*

Mr. Deputy-Speaker, Sir, we have all respect for the Judiciary but the Judiciary cannot overstep everyday in the functioning of the legislative process. What is happening? We are being insulted...*(Interruptions)*

In accordance with the provisions of the Constitution, the House was summoned by the President of India. The House was summoned for a specific business and that business was to support or reject the selection or election of Shri Atal Behari Vajpayee on the first occasion and Shri H.D. Deve Gowda, on the later occasion. The oath was administered twice by the President of India under Article 75 and the House sat twice accordingly...*(Interruptions)*

MR. DEPUTY-SPEAKER : You have had your say. Let me now listen to the other hon. Members also.

SHRI P.R. DASMUNSI : Mr. Deputy-Speaker, Sir, my only submission is this. Do you also not consider that

this House has a propriety, that this House has some sanctity and that this House has the sanction of the people? We are functioning here simply. If somebody goes to the High Court and the High Court says whatever it likes, is it judicial activism? What is going on in the country? Would Parliament react to what is happening or not?...*(Interruptions)*

SHRI MRUTYUNJAYA NAYAK (Phulbani) : We want to hear the Minister of Parliamentary Affairs...*(Interruptions)*

SHRI A.C. JOS (Idukki) : Sir, this is not a joke. They have crossed the...*(Interruptions)*

MR. DEPUTY-SPEAKER : I have heard your viewpoints. Please listen to me.

SHRI A.C. JOS : Judicial activism has crossed the limits. In the name of judicial activism ..*(Interruptions)*

[Translation]

MR. DEPUTY SPEAKER : You have had your say. Now let me listen to others also.

[English]

You have had your say...

(Interruptions)

SHRI SANTOSH MOHAN DEV (Silchar) : Sir, the hon. Minister of Home Affairs is present in the House. The hon. Minister of Parliamentary Affairs is also present in the House. Please let us know their reaction on what Shri P.R. Dasmunsi has raised. The hon. Minister of Parliamentary Affaris has to intervence and tell us what is their reaction to the matter raised by Shri P.R. Dasmunsi...*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down first.

SHRI MRUTYUNJAYA NAYAK : Are you going to allow a discussion?...*(Interruptions)*

MR. DEPUTY-SPEAKER : No. He has had his say.

(Interruptions)

SHRI MRUTYUNJAYA NAYAK : Sir, It is a challenge to Parliament. It is an insult to Parliament.

SHRI BASU DEB ACHARIA (Bankura) : Yes, it is a chellenge to Parliament. The Judiciary has crossed its limits...*(Interruptions)* In the same manner, he came with consent of the President and sat there. In the same manner, Shri Deve Gowda came here and sought the mandate. Within six months, he can be elected. This is an insult of the House. What is going on?...*(Interruptions)* What would the people think about it? Are we a bunch of fools?...*(Interruptions)*

MR. DEPUTY-SPEAKER : Let Mr. Vajpayee say something. Please be seated.

[Translation]

SHRI ATAL BEHARI VAJPAYEE (Lucknow) : Mr. Deputy-Speaker, Sir, my friend Shri Priya Ranjan Dasmunshi has raised a very important question and I want a discussion thereon in the House. There should be one opinion of the House on this question. But one opinion cannot be formed during the noise ...*(Interruption)*. When there is much noise in the House many comments are made outside.

12.11 hrs.

[MR. SPEAKER *in the chair*]

He has raised an important matter and Mr. Speaker, I would like that you should give an opportunity to the Members to speak thereon. Thereafter, you may say whatever you have to say.

[English]

MR. SPEAKER : Please speak one by one. Let me understand it.

SHRI P.R. DASMUNSI : Sir, I was on a point of order to which Shri Vajpayee has referred. The point of order is that under Rule 23 or the Rules of Procedure & Conduct of Business in Lok Sabha, any message or direction of the President is to be conveyed to the House. Article 86 of the Constitution of India makes it absolutely clear President of India can convey a message concerning a Bill or otherwise a direction of the House.

Based on that direction, Shri Deve Gowda sought the mandate of the House. In the same manner, Shri Atal Bihari Vajpayee also sought the mandate of the House based on the direction of the respected President of the Republic.

Under your leadership, Mr. Speaker, we deliberated the whole thing in this House and gave the mandate to Shri Deve Gowda as the Prime Minister who is to be elected within six months according to Article 75 of the Constitution of India. In these circumstances, (a) the will of the President was honoured; (b) the supremacy of the Parliament was established; and (c) the mandate of the people has been reflected.

After that, someone went to the Allahabad Constitution Bench and sought a writ to question and summon the Government of India. Is it not ridiculing the Parliament and the jurisdiction of the authority of the President? Is it not overstepping of the judiciary on the Parliamentary function, on the right of the President, on the very ambit of the provision of the Constitution and the procedure? That is important. Hon. Shri Vajpayee has referred that this is a very important matter and must be discussed in the House in order to afford opportunity to other hon. Members to put forth their views.

MR. SPEAKER : I agree with the hon. Member. I agree with the Leader of the Opposition. It is a serious matter. We will have time and opportunity to discuss this matter.

(Interruptions)

MR. SPEAKER : It is enough. I have given the final verdict. Now, Shri Dau Dayal Joshi.

(Interruptions)

MR. SPEAKER : We have agreed.

(Interruptions)

MR. SPEAKER : All the political parties have agreed that Zero Hour will be dispensed with. Since it was a very important issue. I have allowed.

[Translation]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : Mr. Speaker, *... The relatives of the Chief Minister of the Delhi are indulging in hooliganism*...(*Interruptions*) Mr. Speaker, Sir, the workers of Bhartiya Janata Part, after referring to the name of the Chief Minister of Delhi, harassed the doctors and nurses of a hospital in Delhi but no action has been taken against them... *(Interruptions)*

[English]

What will be the law and order situation of the State?

MR. SPEAKER : No, Mr. Aggarwal, not like this...*(Interruptions)*

[Translation]

SHRI JAI PRAKASH AGARWAL: Mr. Spekaer, Sir, You have given an opportunity to others, why should you not grant an opportunity to me...*(Interruptions)*

[English]

MR. SPEAKER : It will not go on record.

*(Interruptions)***

MR. SPEAKER : Nothing is going on record.

(Interruptions)

MR. SPEAKER : It is enough. Please do not raise Party matters here.

Mr. Dasmunshi was not allowed to raise a Party matter. Please do not raise Party matters here.

[Translation]

SHRI CHAMAN LAL GUPTA (Udhampur) : Mr. Speaker, Sir, massacre is taking place in Jammu & Kashmir. They have killed sixteen people there. They have taken away their sheep and goats ...*(Interruptions)*

[English]

MR. SPEAKER : I have received your notice. I am going into them. I have to get comments from the persons against whom the privilege motion is sought to be moved. After getting the comments, I will decide about it.

(Interruptions)

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* *Expunged as ordered by the Chair*

** *Not recorded*

MR. SPEAKER : There will be no end to it. We will have to pass the Vote on Account today.

(Interruptions)

[Translation]

MR. SPEAKER : No, Mr. Gupta, not in this way.

SHRI CHAMAN LAL GUPTA : Mr. Speker, Sir, the matter regarding Doda is very important. Only yesterday, sixteen people were killed there. These people were shephards, they were killed and their sheep and goats taken away. Hon. Home Minister is present here. He talks of holding elections on there. The conditions there are very bad. Mr. Speaker, my submission should be taken seriouly. The conditions in Doda are bad for the last six months ...*(Interruptions)*

[English]

MR. SPEAKER : Please, that is not the way. You can talk to the Home Minister

(Interruptions)

[Translation]

SHRI CHAMAN LAL GUPTA : Sir, the question is not of this. The people are being massaered there...(Interruptions)

[English]

MR. SPEAKER : You have to stay here for five years. Do not spoil your chance to speak in the future.

(Interruptions)

MR. SPEAKER : I cannot allow you. It was the decision of all the political parties that there will be no Zero Hour today

[Translation]

VAIDYA DAU DAYAL JOSHI (Kota) : Mr. Speaker, the following items may be included in the next week's agenda:

1. A gas agency was allotted two years ago to a new District of Rajasthan. After the creation of new District, there has been rapid increase in the population of Ara Town. An other gas agency, should therefore be allotted.

2. There has been a ban on new recruitment in post offices for the last twenty years. In spite of new colonies having come up, there has been no increase in the postal staff and consequently the people are not getting their mail in time. Therefore, there should be new recruitment immediately for this purpose so that the mail could be distributed in time.

DR. LAXMINARAYAN PANDEY : (Mandsaur) : Mr. Speaker, Sir, I would like to submit that Coal is not

being made available to the C.C.I. run cement factory in Mandsaur district of Madhya Pradesh. Consequently, thousands of factory workers are on the verge of being rendered unemployed. This situation should, therefore be immediately considered. One unit has been closed. The second unit will also close down.

[English]

MR. SPEAKER : What you had submitted was for different purposes. I did not notice. Anyway, it is okay.

SHRI V.M. SUDHEERAN (Alleppey) : Sir, I have also given the notice.

MR. SPEAKER : I do not find your notice regarding Submissions, here.

SHRI V. DHANANJAYA KUMAR (Mangalore) : The following items may be included in the next week's agenda :

1. A detailed discussion about the situation of Power supply in the country and approvals given to various power projects including the Congentrix Ltd.
2. Discussion regarding the situation and conditions of National Highways in the country and the need to construct new National Highways with special reference to Karnataka.

[Translation]

DR. RAMESH CHAND TOMAR (Hapur) : Mr. Speaker, Sir, the following items may be included in next week's agenda :

1. The development works have come to standstill in 28 villages of Ghaziabad district as there are no representatives of the people there. Panchayat elections should be held there soon.
2. Computerised reservation facilities should be provided at Hapur Junction soon.

[English]

SHRI RAJIV PRATAP RUDY (Chhapra) : Mr. Speaker, Sir, the following items may be included in the next week's agenda :

1. Regarding discussion on the dismal performance of the Indian team in the Olympic games at Atlanta.
2. Regarding ISI activities in Nepal and operational bases at the border of Bihar and U.P. posing a national threat.

SHRI G.M. BANATWALLA (Ponnani) : Mr. Speaker, Sir, the following items may be included in Ithe next week's agenda :

1. Need for Constitution (Amendment) Bill to protect the quota for reservations made by several States. The insistence of the Supreme Court that the total quota must not exceed 50 per cent has created a serious situation.
2. The Government should come forward with the proposed Supreme Court (Enlargement of Jurisdiction) BIII, 1996 to enlarge the jurisdiction of the Supreme Court to confer upon it the jurisdiction and powers to decide the Babri Masjid dispute.

[Translation]

SHRI NAND KUMAR SAI (Raigarh): Mr. Speaker, Sir, the following items may be included in the next week's agenda:

1. In view of bumper tomato crop in Patyal, Ladeg etc. villages under Raigarh District of Madhya Pradesh, there is need of setting up of tomato sauce manufacturing units in the Houses of the Scheduled Caste and Scheduled Tribe people and other poor people of these areas by the Central Government.
2. Need to establish immediately a Sangeet University in the universal renown Raigarh for its glorious history of music.

PROF. AJIT KUMAR MEHTA (Samastipur): Mr. Speaker, Sir, the following items may be included in the next week's agenda:

1. Need to develop public transport system creating minimum pollution to meet the requirements of traffic after carefully taking into view the population of the metropolises, pollution level and available resources in the next century.
2. Need to bring forth a Bill to implement soon the recommendations of the Joint Parliamentary Committee constituted under the Chairmanship of Shri A.R. Antulay by former Speaker regarding the salary, allowances and other facilities of the sitting as well as former Members of Parliament.

SHRI SHATRUGHAN PRASAD SINGH (Balia) (Bihar): Mr. Speaker, Sir, the following items may be included in the next week's agenda:

The Central Government should give special grants for the development of tribal areas as Bakhri, Alauli of Begusari district, as also backward areas as Bachhwada, Teghra, Cheriyavariyarpur and Balia in Bihar.

[English]

MR. SPEAKER : Shri Sudheeran, if the notices received are more than ten, they are balloted.

Unfortunately your name did not come up in the ballot. I am very sorry.

Now the Home Minister to move the motion.

SHRI G.M. BANATWALLA: Sir, the Minister of Parliamentary Affairs is sitting here, he should be considerate enough to say a few words of assurance. These are important issues that we raised here with your premission, and with the luck of getting through in the ballot. The Minister must say a few words.

MR. SPEAKER : Shri BANATWALLA, the normal practice is that these matters go to the Business Advisory Committee.

SHRI G.M. BANATWALLA: The Minister could, at least, say that.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): These normally go to the Business Advisory Committee.

MR. SPEAKER : These are placed before the Business Advisory Committee.

12.25 hrs.

ELECTION TO COMMITTEE

Committee on Official Language

[English]

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : I beg to move:

> "That in pursuance of sub-section(2) of section 4 of the Official Languages Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from among themselves to be a member of the Committee on Official Language *vice* Smt. Ratnamala D. Savanoor resigned from the Committee"...*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): I am on a point of order. How can one Member proportionally be elected? I want an explanation from the House. He did suggest that one Member be elected and he believes in proportional representation. I want him to be consistent.

SHRI INDRAJIT GUPTA: How many contestants are there?

SHRI NIRMAL KANTI CHANTTERJEE: I want proportional representation.

MR. SPEAKER: The question is:

> "That in pursuance of sub-section(2) of section 4 of the Official Languages Act, 1963, the members of Lok Sabha do proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, one member from among themselves to be a member of the Committee on Official Language *vice* Smt. Ratnamala D. Savanoor resigned from the Committee."

The motion was adopted

12.26 hrs.

BUSINESS ADVISORY COMMITTEE

Motion Re: Third Report

[English]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): I beg to move:

> "That this House do agree with the Third Report of the Business Advisory Committee presented to the House on the 25th July, 1996".

MR. SPEAKER: The question is:

> "That this House do agree with the Third Report of the Business Advisory Committee presented to the House on the 25th July, 1996".

The motion was adopted

[English]

MR. SPEAKER : Item Nos. 11 and 12 to be taken up together.

(Interruptions)

SHRI SONTOSH MOHAN DEV (Silchar) : Yesterday it was decided to give two hours time to give amendments on this electoral reforms.

MR. SPEAKER : Yes, it was already on the Bulletin.

(Interruptions)

SHRI SONTOSH MOHAN DEV : But many of the hon. Members have not received the Bill, not even Bulletin was received at the right time. There was delay in serving the same. That is all right. But their request is that it can be extended by one hour more. As it is also coming after sometime, I would request you to accede to that demand.

MR. SPEAKER : Okay. Your demand is accepted. Those hon. Members who are willing to bring amendments to the RPA Bill can do so up to one o'clock.

(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE : There should be a time-frame. We have not recived the Bill but we